

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MEGAN OLSEN,

Plaintiff,

v.

COSTCO WHOLESALE  
CORPORATION,

Defendant.

Case No. 2:22-cv-2294-DJC-JDP

ORDER

Plaintiff has filed a motion for administrative relief that requests that the scheduling order be modified to extend the deadline for completion of discovery. ECF No. 21. She explains that additional time is needed to complete four depositions. Defendant has filed an untimely opposition. *See* E.D Cal. L.R. 233(b); ECF No. 26. Good cause appearing, plaintiff's motion is granted.

Federal Rule of Civil Procedure 16(b) provides that a scheduling order "may be modified for good cause and with the judge's consent." The Ninth Circuit has explained that "Rule 16(b)'s 'good cause' standard primarily considers the diligence of the party seeking the amendment. The district court may modify the pretrial schedule if it cannot reasonably be met despite the diligence of the party seeking the extension." *Johnson v. Mammoth Recreation, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992) (some quotations omitted). Although the degree of prejudice to the opposing

1 party may be considered as an additional basis for denying a motion to modify a scheduling order,  
2 “the focus of the inquiry is upon the moving party’s reasons for seeking modification. If that  
3 party was not diligent, the inquiry should end.” *Id.* (citation omitted).

4 It appears that plaintiff has been diligent in her efforts to complete the dispositions at  
5 issue, but defendant has made it difficult for plaintiff to do so before the close of discovery.  
6 Given plaintiff’s diligence, I find that there is good cause for the requested modification of the  
7 scheduling order. The motion is therefore granted.<sup>1</sup>

8 Accordingly, it is hereby ORDERED that:

- 9 1. Plaintiff’s motion for administrative relief, ECF No. 21, is granted.  
10 2. The deadline for completion of fact discovery is extended to December 20, 2024.

11 IT IS SO ORDERED.  
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13 Dated: November 5, 2024  
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15   
16 JEREMY D. PETERSON  
17 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>1</sup> In her motion plaintiff indicates that defendant has refused to produce multiple witnesses  
26 for deposition. At this time, I decline to address whether plaintiff is entitled to depose each of the  
27 witnesses identified in her motion. Instead, the parties are directed to meet and confer about any  
28 discovery related disputes. If they are unable to informally resolve their differences, they should  
promptly request a pre-discovery motion conference be set in accordance with my procedures for  
civil matters.